

Brian L. Penley

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September 17, 2010

United States Bankruptcy Court
Southern District of New York
Judge Drain
300 Quarropas Street
White Plains, NY 10601-4140

05-44481

Honorable Judge Drain;

I am very Sorry for taking so long to get you the enclosed statement. My Wife's father passed away on August 23, 2010. Also getting with the Witness to obtain his written statement took longer then I had hoped

His name and contact information are enclosed. I understand that I will be able to present my case Via telephone.

Thank you for you patience in this matter

Sincerely,

Brian L. Penley

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S.D. NY
U.S. BANKRUPTCY COURT
FILED

To Whom It May Concern,

My name is Larry Joe Earle. I have been employed at Delco/Delphi since 7/18/1988. In the course of my employment I came to know Brian Penley as fellow tool and die maker. We worked together for approximately 10 years.

In mid 2004, while I was working as a Capacity Assurance Coordinator in department 964, I was approached by Tim Fennell. He asked if I had or had seen Brian's tool box. I told him that I hadn't but I would look for it. I looked that afternoon and was not able to locate the tool box. I knew that Brian had been escorted out of the plant on a disciplinary action and had not been allowed back to work. I asked around the tool room about his tools and no one knew where they were.

Brian had a brown Kennedy tool box with an add on box. Being that he had been in the trade for nearly 20 years, he was a very well equipment tool maker.

To date, to the best of my knowledge, Brian's tools were never located.

Thank you,



Larry Joe Earle

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